REMARKS

Claims 1, 5-8, 10-12 and 14-18 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

SPECIFICATION

The specification stands objected to for certain informalities. Applicant has amended the specification according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

CLAIM OBJECTIONS

Claims 2 and 8 stand objected to for certain informalities. Applicant has amended the specification according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 101

Claims 10-15 stand rejected under 35 U.S.C. § 112 as being directed to non-statutory subject matter. This rejection is respectfully traversed. Claim 10 has been amended in accordance with the Examiner's suggestion. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

<u>REJECTION UNDER 35 U.S.C. § 102</u>

Claims 1-15 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0061598 (Karp). This rejection is respectfully traversed.

Karp is directed generally to a computer system which provides hint instructions to a processor. The term "hint instruction" is not readily known to the applicant nor does it appear to be widely known in the art. As understood from Karp, hint instructions are instructions intended to optimize execution of other instructions in a program for a particular processor. It is noteworthy that hint instructions do not change the underlying functionality of the program.

In contrast, Applicant's invention is directed to a technique for modifying the underlying functionality of an executable program. In particular, Applicant's invention is a method for controlling the value of a RAM variable inside an executable program. Of note, Claim 1 recites "identifying at least one machine instruction that accesses a variable defined in random access memory associated with the software program; [and] replacing the identified machine instruction in the executable form of the software program with a branch instruction" in combination with other elements of the claim.

Karp does not teach identifying and replacing an instruction that accesses a RAM variable. In fact, Karp teaches away from inserting a break instruction an instruction that accesses a RAM variable (see, "insert the break instruction B_n far enough ahead of the load memory instruction I_n so that the pre-fetch operation executed when the break instruction is encountered by the processor" in [0041]). Therefore, it is further asserted

that it would not be obvious from the teachings of Karp to replace an instruction that accesses a RAM variable.

Furthermore, Karp does not teach or suggest the hint instructions operate to change a value of the variable. On the other hand, Claim 1 of the present application recites that "the set of relocated instructions function to change a value of the [RAM] variable". As noted above, hint instructions merely optimize execution of other instructions without changing the underlying functionality of the program. For at least these reasons, it is respectfully submitted that Claim 1, along with claims depending therefrom, defines patentable subject matter over Karp. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Applicant notes that independent Claim 6 has been similarly amended, and thus should be allowable, along with claims depending therefrom, for the same reasons as Claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

With regard to new claim 16, Karp teaches that the replacement instruction is a break instruction. A break instruction functions like an interrupt which always transfers processing to the same routine. In contrast, Applicant's invention uses branch instructions. In this way, each branch instruction can reference a different memory address and thus a different set of relocation instructions. It is desirable to alter the RAM variable in different ways at different points within the executable program. Unlike Karp, Applicant's invention provides this type of flexibility. For this additional reason, it is respectfully submitted that Claim 16, along with claims depending therefrom, defines patentable subject matter over Karp.
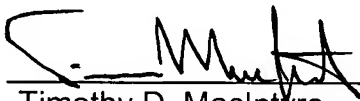
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: July 9, 2007

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